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Date 2/9/2005

Pages Including cover 10

Subject Serial No.: 10/030,527;

Filing Date: 1/9/02

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### Attached:

Application for Patent Term Adjustment  
Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b)  
Copy of Patent Term Adjustment History from PAIR  
Copy of Auto-Reply Facsimile Transmission (7/31/03)  
Copy of Certificate of Transmission (7/31/03)  
Certificate of Transmission

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Cockerill et al

Serial No.: 10/030,527

Examiner: B. Kifle

Filing Date: January 9, 2002

Art Unit: 1624

For: ANILINOQUINAZOLINES AS PROTEIN TYROSINE KINASE INHIBITORS

Mailstop: Petitions

Commissioner for Patents

Washington D.C. 20231

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**APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 1.705(b)**

Sir:

Applicants request reinstatement of part of the term reduced under 37 C.F.R. 1.704(b) and make herein application for patent term adjustment under 37 C.F.R. 1.705(b) before payment of the issue fee and after receipt of the Notice of Allowance.

***Fee***

Applicants include herein authorization to charge Applicants Deposit Account for the required fee under 37 C.F.R. 1.18(e).

***Statement of Facts***

The following is a statement of facts regarding the patent term adjustment disputed by applicants:

1. Applicants received a Notice of Allowance mailed November 12, 2004, which included a determination of patent term adjustment 35 U.S.C. 154(b) (copy attached). The determination concluded that Applicants patent term adjustment to date was 0 days.
2. In preparation for the payment of the issue fee, Applicants consulted the Patent Application Information Retrieval (PAIR) website to review



Atty. Docket No.: PU3743USW

the patent term adjustment. The PAIR printout of the patent term adjustment history is attached.

3. The PAIR patent term adjustment printout history indicated that Applicants' response to the Restriction Requirement of the Office Action mailed July 2, 2003 was filed on January 7, 2004. Therefore, Applicants had 97 days deducted in the calculation of the patent term adjustment.

4. This is incorrect. Applicants' response to the aforementioned Office Action was timely filed by fax on July 31, 2003. Attached herein are a Certificate of Transmission under 37 C.F.R. 1.8 and an acknowledgement from the USPTO that said fax was received on July 31, 2003, evidencing timely filing of the response.

5. Applicants respectfully assert that the 97 days deducted in the patent term adjustment calculation be restored. Further, Applicants believe that since a non-final Office Action was mailed January 8, 2004, which was greater than 4 months past the filing date of the response to the Restriction requirement Applicants are due an additional 38 days resulting from USPTO delay in responding to the Restriction Requirement response filed July 31, 2003.

6. Applicants believe the patent term adjustment calculation as of the issue fee payment date should be as follows (Reference is made to the appropriate CFR section supporting the addition or deletion of term restoration:

	Add	Delete
1.703(a)(1)	115	
1.703(a)(2)	38	
1.704(b)		32
1.704(c)(8)		<u>25</u>
	<u>153</u>	57

Total restoration = 96 days

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7. Finally, the subject application is not subject to a terminal disclaimer. Additionally, Applicants believe that they have made reasonable efforts to conclude examination. Accordingly, Applicants respectfully request patent term adjustment, i.e., restoration of 96 days of additional term due to USPTO delay.

Should any issues remain unresolved in regard to this application for patent term adjustment which would bar grant of the same, the Patent Office is invited to contact the undersigned Attorney at (919) 483-8247, to discuss such issues. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to affect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,

John L. Lemanowicz  
Attorney for Applicants  
Registration No. 37,380

Date: 9 February, 2005  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,527	01/09/2002	George Stuart Cockerill	PU3743USW	4128

23347 7590 11/12/2004

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EXAMINER

KIFLE, BRUCK

ART UNIT

PAPER NUMBER

1624

DATE MAILED: 11/12/2004

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

(571) 272-7701

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